

Officer History

Officer Name: SIKORA, JOHN

Tax ID: 953735

Sex: M

Shield: 22498

Race: White

Rank: PO

Command: 296

Birth Year: [REDACTED]

Appt Date: 01/09/2013

Age: [REDACTED]

Tenure: 8

CCRB #	CMD	Incident Date	Reported Date	Allegation	Allegation Disposition	Board Discipline Recommendation*	NYPD Allegation Disposition	NYPD MOS Penalty
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			
201807718	075	09/08/2018	09/17/2018	Force - Physical force	Unsubstantiated			
				Force - Restricted Breathing	Unsubstantiated			
				Force - Physical force	Unsubstantiated			
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			
				[REDACTED]	[REDACTED]			
				[REDACTED]	[REDACTED]			
				[REDACTED]	[REDACTED]			
				OMN - Improper use of body-worn camera	Other Misconduct			
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			
				[REDACTED]	[REDACTED]			
201907780	296	08/30/2019	09/03/2019	Abuse - Vehicle search	Unsubstantiated			
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			
				[REDACTED]	[REDACTED]			
202003119	296	05/07/2020	05/07/2020	Abuse - Vehicle stop				
				OMN - Improper use of body-worn camera				
202003576	296	05/17/2020	05/26/2020	Force - Physical force				
				Abuse - Failure to provide RTKA card				
				Abuse - Refusal to provide name				
				Abuse - Refusal to provide shield number				
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			

*Board Discipline Recommendations were not issued for complaints closed prior to the CCRB's adoption of the NYPD's Disciplinary Matrix on 03/15/2021. With the adoption of the NYPD Disciplinary Matrix, CCRB now issues a Board Discipline Recommendation for officers that is separate and apart from the disposition of the allegations substantiated against the officer.

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202004567	075	06/07/2020	06/24/2020	Abuse - Stop				
				Untruthful Statement - False official statement				
				OMN - Failure to prepare a memo book entry				
				Force - Physical force				
				Abuse - Failure to provide RTKA card				
				Abuse - Search (of person)				

Total Charges = 28 Total Cases = 11

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CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Maura Roche	Team: Squad #10	CCRB Case #: 201904433	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Sat, 05/18/2019 12:30 AM	Location of Incident: Linden Boulevard and Berriman Street	Precinct: 75	18 Mo. SOL 11/18/2020	EO SOL 7/5/2021	
Date/Time CV Reported Mon, 05/20/2019 7:01 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Mon, 05/20/2019 7:01 PM		

Complainant/Victim	Type	Home Address
1. J. [REDACTED] R. [REDACTED]	Comp/Victim	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM A. [REDACTED] W. [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
2. POM A. [REDACTED] C. [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
3. POM John Sikora	22498	953735	075 PCT

Officer(s)	Allegation	Investigator Recommendation
A. POM A. [REDACTED] W. [REDACTED]	Force: Police Officer A. [REDACTED] W. [REDACTED] used physical force against J. [REDACTED] R. [REDACTED]	A. Exonerated
B. POM John Sikora	Force: Police Officer John Sikora used physical force against J. [REDACTED] R. [REDACTED]	B. Exonerated
C. POM A. [REDACTED] C. [REDACTED]	Force: Police Officer A. [REDACTED] C. [REDACTED] used physical force against J. [REDACTED] R. [REDACTED]	C. Exonerated
D. POM A. [REDACTED] W. [REDACTED]	Abuse of Authority: Police Officer A. [REDACTED] W. [REDACTED] damaged J. [REDACTED] R. [REDACTED] property.	D. Exonerated
E. POM John Sikora	Abuse of Authority: Police Officer John Sikora damaged J. [REDACTED] R. [REDACTED] property.	E. Exonerated
F. POM A. [REDACTED] C. [REDACTED]	Abuse of Authority: Police Officer A. [REDACTED] C. [REDACTED] damaged J. [REDACTED] R. [REDACTED] property.	F. Exonerated
G. POM John Sikora	Force: Police Officer John Sikora used physical force against J. [REDACTED] R. [REDACTED]	G. Exonerated
H. POM John Sikora	Abuse of Authority: Police Officer John Sikora threatened to arrest J. [REDACTED] R. [REDACTED]	H. Exonerated
I. POM A. [REDACTED] W. [REDACTED]	Abuse of Authority: An officer seized J. [REDACTED] R. [REDACTED] property.	I. Exonerated
J. POM A. [REDACTED] W. [REDACTED]	Other: Police Officer A. [REDACTED] W. [REDACTED] failed to prepare a property voucher as required.	J. Other Misconduct
K. POM John Sikora	Other: Police Officer John Sikora improperly used his body-worn camera according to Patrol Guide Procedure 212-123.	K. Other Misconduct
L. POM A. [REDACTED] W. [REDACTED]	Other: Police Officer A. [REDACTED] W. [REDACTED] improperly used his body-worn camera according to Patrol Guide Procedure 212-123.	L. Other Misconduct
M. POM A. [REDACTED] C. [REDACTED]	Other: Police Officer A. [REDACTED] C. [REDACTED] improperly used his body-worn camera according to Patrol Guide Procedure 212-123.	M. Other Misconduct

Case Summary

On May 20, 2019, J. R. filed this complaint with the CCRB by phone.

On May 18, 2019, at approximately 12:30 a.m., at the intersection of Linden Boulevard and Berriman Street, PO A. W. PO John Sikora, and PO A. O. all of the 75th Precinct, approached Mr. R. for running a red light and driving his motorized scooter on the sidewalk. PO W. PO Sikora, and PO O. allegedly pushed Mr. R. to the ground (**Allegations A, B, and C: Force – Physical Force, exonerated**), damaging his motorized scooter in the process (**Allegations D, E, and F: Abuse of Authority – Property Damage, exonerated**). Once Mr. R. was standing up, PO Sikora pushed him by the upper chest back into a chain link fence (**Allegation G: Force - Physical Force, exonerated**). Mr. R. refused to provide his name to the officers, and PO Sikora threatened to take Mr. R. to the 75th Precinct stationhouse (**Allegation H: Abuse of Authority – Threat of Arrest, exonerated**).

PO W. issued Mr. R. two summonses (**BR 01** and **BR 02**) for reckless driving and disorderly conduct, and he and the other officers left the location. When Mr. R. called 911 for medical attention, PO W. returned to the incident location and took possession of Mr. R. motorized scooter as evidence (**Allegation I: Abuse of Authority – Property Seizure, exonerated**) but did not prepare a property voucher (**Allegation J: Other Misconduct – Failure to Prepare a Property Voucher**).

PO Sikora turned off his body-worn camera for a portion of the incident (**BR 03, BR 04, and BR 29**), and PO W. (**BR 05 and BR 30**) and PO O. (**BR 06 and BR 31**) did not turn their body-worn cameras on at the beginning of the incident (**Allegations K, L, and M: Other Misconduct – Improper Use of Body-Worn Camera**).

PO Sikora (**BR 03, BR 04, and BR 29**), PO W. (**BR 05 and BR 30**), and PO O. (**BR 06 and BR 31**) had body-worn camera footage of the incident, the relevant portions of which are discussed below. There was no other video of this incident.

Findings and Recommendations

Allegation (A) Force: Police Officer A. W. used physical force against J. R.

Allegation (B) Force: Police Officer John Sikora used physical force against J. R.

Allegation (C) Force: Police Officer A. O. used physical force against J. R.

Allegation (D) Abuse of Authority: Police Officer A. W. damaged J. R. property.

Allegation (E) Abuse of Authority: Police Officer John Sikora damaged J. R. property.

Allegation (F) Abuse of Authority: Police Officer A. O. damaged J. R. property.

It was undisputed that on May 18, 2019, at approximately 12:30 a.m., Mr. R. drove away from PO W. PO Sikora, and PO O. on the sidewalk on his motorized scooter to the intersection of Linden Boulevard and Berriman Street in Brooklyn and that Mr. R. was taken to the ground. Disputed was the manner and extent of the force used and damage to the motorized scooter.

Mr. R. consistently stated (**BR 07, BR 08, and BR 09**) that when PO W. PO Sikora, and PO O. approached him, he drove away on the sidewalk because, although they were wearing uniforms, he did not recognize them as police because they were in an unmarked car. When Mr. R. finally stopped, PO W. PO Sikora, and PO O. all took Mr. R. to the ground. Mr. R. could not recall how the officers took him to the ground, where they touched him, or how he was positioned when he was on the ground because it happened so quickly. While on the ground, Mr. R. felt an officer either punch his face or hold his face down to the ground

but could recall nothing else. Mr. R [REDACTED] then stood up on his own and started yelling as loudly as possible to alert anyone nearby to what was going on.

Once the officers were gone, Mr. R [REDACTED] realized that he had scrapes to his left knee, left elbow, and had pain in his left ankle, which he thought may have been broken, so he called 911. When an ambulance did not respond quickly, he called 911 back and stated that an unmarked police car had hit him. (Mr. R [REDACTED] thought that by saying that an unmarked police car hit him, the ambulance would arrive more quickly. No vehicles actually hit Mr. R [REDACTED] and his injuries were the result of going to the ground when PO W [REDACTED] PO Sikora, and PO O [REDACTED] took him to the ground.) An ambulance eventually took Mr. R [REDACTED] to Jamaica Hospital, but he left before doctors evaluated him. Later that morning, Mr. R [REDACTED] called 911 again for his injuries, and an ambulance took him to Brookdale Hospital. Doctors cleaned his scrapes and diagnosed him with a sprained ankle.

According to Mr. R [REDACTED] medical records from Jamaica Hospital (**BR 10**), Mr. R [REDACTED] stated that he fell off his motorized scooter. He denied striking his head or losing consciousness. His primary complaints were an abrasion to his left arm and pain in his left knee. Mr. R [REDACTED] presented with slurred speech and no active bleeding. Mr. R [REDACTED] refused to answer questions or allow doctors to take an X-ray of his left leg.

According to Mr. R [REDACTED] Prehospital Care report (**BR 11**), Mr. R [REDACTED] called 911 at approximately 1:15 p.m. and reported pain to his left ankle and both arms. Mr. R [REDACTED] told EMTs that he had been “attacked by police” the night before. The ambulance took Mr. R [REDACTED] to Brookdale Hospital in Brooklyn. At Brookdale Hospital (**BR 12**), Mr. R [REDACTED] stated that he was “assaulted” but provided no further details. Doctors took X-rays of his left leg and found no fractures. There was an abrasion on Mr. R [REDACTED] right forearm by his elbow. Mr. R [REDACTED] was discharged with instructions to take over-the-counter pain medication as needed.

PO W [REDACTED] (**BR 13**) stated that he, PO Sikora, and PO O [REDACTED] saw Mr. R [REDACTED] commit multiple moving violations on his motorized scooter, including running through a stop sign. When they approached Mr. R [REDACTED] PO W [REDACTED] said, “Police,” and Mr. R [REDACTED] said something along the lines of, “Nah, not today.” Mr. R [REDACTED] turned around on his motorized scooter and drove on the sidewalk in the opposite direction of the officers. At the intersection of Linden Boulevard and Berriman Street, PO W [REDACTED] approached Mr. R [REDACTED] who was behind a school bus that was parked on the street, while PO Sikora and PO O [REDACTED] remained in the car. PO W [REDACTED] told Mr. R [REDACTED] a second time that he was a police officer, grabbed Mr. R [REDACTED] by the shoulders, and simultaneously told him to stop. Instead of complying, Mr. R [REDACTED] accelerated the motorized scooter, moved abruptly forward, turned, and drove off the curb. As Mr. R [REDACTED] moved from the sidewalk to the curb, he fell to the ground with the scooter along with PO W [REDACTED] who was still holding Mr. R [REDACTED] by the shoulders.

PO W [REDACTED] stood up and held Mr. R [REDACTED] shoulders down to the ground for approximately one second, at which time PO Sikora and PO O [REDACTED] came over to assist in moving Mr. R [REDACTED] into a standing position. PO W [REDACTED] denied ever punching Mr. R [REDACTED] did not recall seeing any injuries on Mr. R [REDACTED] and did not recall seeing any damage to the motorized scooter.

PO Sikora’s statement (**BR 14**) was generally consistent with that of PO W [REDACTED] with the following exceptions noted. PO W [REDACTED] and Mr. R [REDACTED] were already on the ground lying face-to face grappling or grabbing each other when PO Sikora first approached. PO Sikora took Mr. R [REDACTED] by the arms and lifted him into a standing position. PO Sikora did not see how PO W [REDACTED] and Mr. R [REDACTED] came to be on the ground, did not recall where Mr. R [REDACTED] scooter was, did not see any injuries on Mr. R [REDACTED] and never noticed any damage to Mr. R [REDACTED] scooter.

PO O [REDACTED] statement (**BR 15**) was generally consistent with those of PO W [REDACTED] and PO Sikora with the following exceptions noted. When PO W [REDACTED] approached Mr. R [REDACTED] PO O [REDACTED] heard the scooter fall to the ground, but he did not see how it happened. When PO O [REDACTED] first saw PO W [REDACTED] and Mr. R [REDACTED] they were both standing up from the ground. PO W [REDACTED] never explained to PO O [REDACTED] how they came to be on the ground, and PO O [REDACTED] did not see PO W [REDACTED] punch Mr.

R■■■■ did not see any damage to the scooter, and did not see any injuries on Mr. R■■■■

Body-worn camera footage from PO W■■■ (BR 05) and PO O■■■ (BR 06) does not begin until after Mr. R■■■■ is already standing up and is away from his scooter. PO Sikora's body-worn camera footage (BR 03) captures PO Sikora exit his car and tell Mr. R■■■■ to stop moving. However, the area is dimly lit, and it does not clearly capture any of the physical interactions between PO Sikora and Mr. R■■■■ nor does it capture PO W■■■ PO O■■■ or Mr. R■■■■ scooter.

TRI's prepared by PO Sikora (BR 16), PO W■■■ (BR 17), and PO O■■■ (BR 18) were consistent with officer statements. PO W■■■ noted that he used a forcible takedown because Mr. R■■■■ was fleeing. Mr. R■■■■ was treated by EMS and taken to the hospital for a minor laceration on his left forearm. PO Sikora and PO O■■■ consistently explained that they prepared their TRIs after Mr. R■■■■ made a complaint of being hit by a police vehicle and that the TRIs were not reflective of any force they used during the incident. Both of their TRIs note that Mr. R■■■■ recanted his allegation that a police vehicle had hit him as soon as they arrived back at the location.

No property voucher was prepared in regard to this incident (BR 19) (See Allegation J).

It was undisputed by all parties that upon seeing PO W■■■ PO Sikora, and PO O■■■ Mr. R■■■■ drove away from them on the sidewalk on his motorized scooter. Mr. R■■■■ stated that PO W■■■ PO Sikora, and PO O■■■ all took him to the ground, but PO Sikora, PO W■■■ and PO O■■■ consistently stated that only PO W■■■ took Mr. R■■■■ to the ground and that PO Sikora and PO O■■■ only approached Mr. R■■■■ after the initial physical interaction. Body-worn camera footage of this portion of the incident was not clear, and the investigation was unable to determine what actions each officer took upon that initial approach.

While Mr. R■■■■ said he might have been hit in the face, he acknowledged that he was confused by how quickly everything happened and said that the blow he felt to his head may have been caused by an officer holding his head to the ground during or after the initial takedown. For this reason and because all the officers denied punching Mr. R■■■■ but acknowledged holding him, the investigation determined that his head was not punched, but contacted the ground while he was restrained by the officers.

Given that Mr. R■■■■ and the officers were consistent that he was taken to the ground while on his scooter, the investigation determined that this was when his scooter sustained the alleged damage. Ultimately, Mr. R■■■■ received summonses for reckless driving and disorderly conduct (BR 01 and BR 02).

According to Patrol Guide procedure 221-01 (BR 33), force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. In determining whether the use of force is reasonable, members of the service should consider the following:

- a. The nature and severity of the crime/circumstances
- b. Actions taken by the subject
- c. Duration of the action
- d. Immediacy of the perceived threat or harm to the subject, members of the service, and/or bystanders
- e. Whether the subject is actively resisting custody
- f. Whether the subject is attempting to evade arrest by flight
- g. Number of subjects in comparison to the number of MOS
- h. Size, age, and condition of the subject in comparison to the MOS
- i. Subject's violent history, if known
- j. Presence of hostile crowd or agitators
- k. Subject apparently under the influence of a stimulant/narcotic which would affect pain tolerance or increase the likelihood of violence

It was undisputed by all parties that Mr. R■■■■ fled officers on his motorized scooter on the

sidewalk and that he was issued summonses for reckless driving and disorderly conduct. While the investigation was unable to determine what actions each officer took upon the initial approach, the force described by Mr. R [REDACTED] as all of the officers taking him to the ground while he was standing over his motorized scooter and holding him on the ground, would have been reasonable given his attempt to escape custody on a motorized vehicle. It is therefore recommended **that allegations A, B, and C be exonerated.**

Additionally, Mr. R [REDACTED] stated that the damage to the motorized scooter occurred as a direct result of the officers taking him to the ground, which, as previously discussed, was reasonable to take him into custody. Therefore, any damage, whether it actually occurred, would have been incidental to that force and also reasonable under the circumstances and it is recommended that **allegations D, E, and F be exonerated.**

Allegation (G) Force: Police Officer John Sikora used physical force against J [REDACTED] R [REDACTED]

Allegation (H) Abuse of authority: Police Officer John Sikora threatened to arrest J [REDACTED] R [REDACTED]

It was undisputed that PO Sikora threatened to arrest Mr. R [REDACTED]. Mr. R [REDACTED] did not describe any additional use of force after the initial takedown.

Mr. R [REDACTED] consistently stated (**BR 07** and **BR 08**) that after he stood up, he picked up his cell phone, which had fallen a few feet away and tried to record, but his phone was not working, so he threw it to the ground in frustration. One of the officers retrieved it but would not return it, stating that Mr. R [REDACTED] could use it as a weapon. Mr. R [REDACTED] frustrated that he could not use his phone, yelled louder, used profanity, motioned with his hands in front of his face for emphasis, and asked if he was free to go. PO Sikora told him he was not because they had seen him run a red light and that he had driven recklessly on the sidewalk. When Mr. R [REDACTED] continued to yell loudly in protest, PO Sikora said, "You want to get arrested? Put your hands up." Mr. R [REDACTED] immediately put his hands up because he did not want to escalate the situation. One of the officers eventually released him with summonses and returned his phone.

PO Sikora (**BR 14**) stated that once Mr. R [REDACTED] was standing, he yelled loudly, gestured with his hands, and appeared intoxicated because he smelled like alcohol and was saying things like, "Suck my dick!" and repeating the same things over and over again without letting the officers explain the situation to him. Mr. R [REDACTED] threw his phone down to the ground approximately 10 feet away from where the officers were standing, and PO W [REDACTED] retrieved it and held on to it until the conclusion of the incident in case Mr. R [REDACTED] tried to use it as a weapon.

PO Sikora repeatedly asked Mr. R [REDACTED] for his name, but he refused to provide it, and PO Sikora told Mr. R [REDACTED] that he could be arrested or taken to the stationhouse. Mr. R [REDACTED] continued to yell and gesture with his hands, and he touched PO Sikora's cheek. PO Sikora grabbed both of Mr. R [REDACTED] wrists and moved them down to his sides while telling Mr. R [REDACTED] to keep his hands down. PO Sikora did not make any additional contact with Mr. R [REDACTED].

PO W [REDACTED] (**BR 13**) and PO C [REDACTED] (**BR 15**) statements were consistent with that of PO Sikora. Neither PO W [REDACTED] nor PO C [REDACTED] recalled observing PO Sikora grab Mr. R [REDACTED] hands, push him back, or threaten to arrest Mr. R [REDACTED].

PO Sikora's body-worn camera (**BR 04**), at 1:47 minutes, captures Mr. R [REDACTED] move toward PO Sikora, and PO Sikora tell Mr. R [REDACTED] to stay away from his face. Mr. R [REDACTED] is screaming loudly, but the camera does not capture what is happening because it is too dark. However, the sound of something hitting a chain link fence is audible. PO Sikora tells Mr. R [REDACTED] "You're being very disorderly." At 2:14 minutes, Mr. R [REDACTED] says, "Y'all got me, both hands, tied up." PO Sikora tells Mr. R [REDACTED] "You're not tied up." At 3:33 minutes, PO W [REDACTED] asks Mr. R [REDACTED] for his name, and Mr. R [REDACTED] says, "Don't worry about it." PO Sikora says, "You're either giving us your name, or..." Mr. R [REDACTED] interjects, "Okay, so take me to a fucking prison. I got your badge number." PO Sikora says, "If that's what you want to do..." Mr. R [REDACTED] continues to yell, and, at

7:56 minutes, PO Sikora tells Mr. R [REDACTED] “Don’t raise your hand! Don’t raise your hand! Do you understand?” as Mr. R [REDACTED] moves forward toward him. It is not clear from the footage if PO Sikora comes into contact with Mr. R [REDACTED]. Mr. R [REDACTED] yells, “Okay! I’ll put it down.”

PO C [REDACTED] (BR 06) and PO W [REDACTED] (BR 05) body-worn camera footage is generally consistent with that of PO Sikora. In PO C [REDACTED] footage (BR 06), at 1:26 minutes, Mr. R [REDACTED] who is yelling, takes a step toward the left forward toward where PO Sikora is standing outside of the frame. PO Sikora pushes Mr. R [REDACTED] by the shoulder back into the chain link fence and tells him to stay away from his face. PO C [REDACTED] then walks away down the street. PO W [REDACTED] footage (BR 05) also captures this beginning at 1:46 minutes.

Based on generally consistent statements from Mr. R [REDACTED], PO Sikora, PO W [REDACTED] and PO C [REDACTED] and body-worn camera footage, the investigation determined that Mr. R [REDACTED] yelled loudly for the duration of the incident and that he repeatedly took steps forward toward PO Sikora, who pushed him back into a chain link fence. While PO Sikora stated that Mr. R [REDACTED] touched his face, body-worn camera does not capture this. When PO Sikora asked Mr. R [REDACTED] for his name, Mr. R [REDACTED] refused to provide it, and PO Sikora stated, “You’re either giving us your name, or...” which Mr. R [REDACTED] interpreted as a threat to go to the precinct. A few moments later, Mr. R [REDACTED] keeps yelling, and PO Sikora tells Mr. R [REDACTED] to lower his arms, but no contact between the two is captured on video.

Patrol Guide procedure 221-01 (BR 20) states that force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody.

According to Patrol Guide procedure 209-09 (BR 21), if an officer makes a traffic stop where a traffic violation has occurred, the officer may remove the violator to the command for investigation if doubt concerning identity exists.

It was undisputed by all parties that Mr. R [REDACTED] was yelling loudly and gesturing with his hands close to PO Sikora’s face. While it is unclear whether Mr. R [REDACTED] touched PO Sikora’s face, as alleged by PO Sikora, body-worn camera footage captures Mr. R [REDACTED] taking a step toward PO Sikora with his hands up, and PO Sikora pushing Mr. R [REDACTED] back into the fence, while telling him to stay away from his face. As such, it was reasonable for PO Sikora to push Mr. R [REDACTED] away from him to protect himself and the other officers present. It is therefore recommended that **allegation G** be **exonerated**.

Given that Mr. R [REDACTED] had been stopped to be summonsed for reckless driving and disorderly conduct and initially refused to provide officers with his name, it would have been reasonable for PO Sikora to remove Mr. R [REDACTED] to the precinct stationhouse to verify his identity to issue him summonses. It is therefore recommended that **allegation H** be **exonerated**.

Allegation (I) Abuse of Authority: Police Officer A [REDACTED] W [REDACTED] seized J [REDACTED] R [REDACTED] property.

It was undisputed that Mr. R [REDACTED] fled from officers and that he was taken to the ground with the scooter. It was also undisputed that PO W [REDACTED] seized Mr. R [REDACTED] motorized scooter.

Mr. R [REDACTED] consistently stated (BR 07 and BR 08) that after calling 911 repeatedly and reporting that he had been hit by a police vehicle, an ambulance and two officers arrived. Mr. R [REDACTED] tried to explain to the responding officers that he had not been hit by a car but that his injuries were a result of PO W [REDACTED], PO Sikora, and PO C [REDACTED] but he felt traumatized and stopped talking to them after a few moments. One of these officers asked Mr. R [REDACTED] for the keys to his scooter because they could not leave it at unattended at the location, and Mr. R [REDACTED] provided the keys.

PO W [REDACTED] (BR 13), PO C [REDACTED] (BR 15), and PO Sikora (BR 14), consistently stated that they later learned that Mr. R [REDACTED] had contacted 911 to report that he had been hit by an unmarked car but had then recanted. PO W [REDACTED] noted in his memo book (BR 22) that he later prepared a

property voucher for Mr. R [REDACTED] bike under invoice number 30011.

Based on consistent statements from all parties, Mr. R [REDACTED] falsely reported to 911 that a police vehicle hit him, and he provided the keys to his scooter to officers. The scooter was then taken into police custody as evidence pending further investigation.

Patrol Guide procedure 218-19 (**BR 23**) states that property should be seized as investigatory evidence when a criminal investigation is required and no arrest has been made.

Given that Mr. R [REDACTED] had reported, although falsely, that a police vehicle had hit him, it was reasonable for PO W [REDACTED] to take Mr. R [REDACTED] scooter into police custody as it would have been evidence of a vehicle collision. It is therefore recommended that **allegation I be exonerated.**

Allegation (J) Other Misconduct: Police Officer A [REDACTED] W [REDACTED] failed to prepare a property voucher as required.

It was undisputed that PO W [REDACTED] seized Mr. R [REDACTED] motorized scooter. However, a search for property vouchers created by PO W [REDACTED] regarding Mr. R [REDACTED] motorized scooter yielded negative results (**BR 19**).

Patrol Guide procedure 208-26 (**BR 24**) states that officers must prepare a property voucher when property is seized as investigative evidence.

Because PO W [REDACTED] did not prepare a property voucher as required, it is recommended that he be cited for **other misconduct.**

Allegation (K) Other Misconduct: Police Officer John Sikora improperly used his body-worn camera according to Patrol Guide Procedure 212-123.

Allegation (L) Other Misconduct: Police Officer A [REDACTED] W [REDACTED] improperly used his body-worn camera according to Patrol Guide Procedure 212-123.

Allegation (M) Other Misconduct: Police Officer A [REDACTED] C [REDACTED] improperly used his body-worn camera according to Patrol Guide Procedure 212-123.

It was undisputed that PO Sikora (**BR 03** and **BR 04**) turned off his body-worn camera after the initial interaction with Mr. R [REDACTED] and turned it back on after approximately three minutes. It was also undisputed that PO C [REDACTED] (**BR 06**) and PO W [REDACTED] (**BR 05**) did not turn on their body-worn cameras until approximately five minutes into the interaction with Mr. R [REDACTED] and turned off their cameras prior to the conclusion of the incident.

Patrol Guide procedure 212-123 (**BR 25**) states that officers are required to activate body-worn cameras prior to engaging in potential crime in progress assignments. Officers should only deactivate body-worn cameras once the investigative, enforcement, or other police action is concluded.

PO Sikora, PO W [REDACTED] and PO C [REDACTED] were required to activate their body-worn cameras as soon as they initiated pursuit of Mr. R [REDACTED] for moving violations and for fleeing custody, and their cameras should have remained on until the conclusion of the police interaction, which they did not do. It is therefore recommended that they be cited for **other misconduct.**

Civilian and Officer CCRB Histories

- [REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]

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- PO Sikora has been a member of service for seven years and has been a subject in three CCRB complaints with a total of five allegations, none of which were substantiated. PO Sikora's CCRB history does not reflect any apparent pattern pertinent to this investigation.

Mediation, Civil and Criminal Histories

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- As of February 4, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards this to complaint (**BR 27**).
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Squad No.: 10

Investigator:	Maura R. Roche	SI Maura R. Roche	9/17/2020
	Signature	Print Title & Name	Date

Squad Leader:	Eric Rigie	IM Eric Rigie	9/17/2020
	Signature	Print Title & Name	Date

Reviewer:			
	Signature	Print Title & Name	Date